

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE OF PSYCHOLOGISTS,)

Petitioner,)

vs.)

WILLIAM DEAN GRAHAM,)

Respondent.)

No. 01-0840 PS

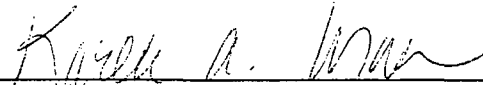
CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo 2000, gives us jurisdiction.

On May 21, 2001, the parties filed a "Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under section 337.035.2(4), (5), (6), (13), (14), and (15), RSMo 2000. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order under Regulation 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under section 621.110, RSMo 2000.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3. RSMo 2000. This is consistent with the holding that we have no role in superintending agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied.

SO ORDERED on May 23, 2001.



KAREN A. WINN
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

MAY 21 2001

ADMINISTRATIVE HEARING
COMMISSION

STATE COMMITTEE OF PSYCHOLOGISTS,)

Petitioner,)

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WILLIAM DEAN GRAHAM)

Respondent.)

No. 01-0840 PS

JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND
STATE COMMITTEE OF PSYCHOLOGISTS AND CONSENT ORDER
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo Supp. 1999, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Committee of Psychologists under § 621.135, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against Respondent's license to practice psychology for violations of the statutes set forth below.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the State Committee of Psychologists in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the complaint served upon him by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, William Dean Graham, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

I.

Based upon the foregoing, the Petitioner and the Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its

own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee of Psychologists ("Committee") is an agency of the state of Missouri created and established pursuant to § 337.050, RSMo Supp. 1999, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.

2. William Dean Graham ("Respondent") is licensed by the Committee as a psychologist, License No. PY00259. Respondent's license is current and active and was so at all relevant times stated herein.

3. At all times relevant herein, Respondent provided psychological services and/or other services to patients at offices located in Bethany, Missouri, and/or Maryville, Missouri.

4. On or about September 30, 1998, Respondent held a diagnostic interview with patient Donald ("Donald").

5. During the September 30, 1998 diagnostic interview, Donald's wife picked up a brochure ("the brochure") from Respondent's waiting room.

6. The brochure that was picked up by Donald's wife was freely available to the public and patients. Attached hereto and marked as exhibit A is a copy of said brochure.

7. The brochure describes some of the services offered and/or provided by Respondent at his office and/or offices and is used as a form of advertisement for Respondent's psychology practice.

8. Depossession, remote depossession, spiritual healing and past-life regression are some of the services offered by Respondent at his office and/or offices.

9. Depossession, remote depossession, spiritual healing and past life regression do not fall within the intendment of the practice of psychology.

10. Some of the services offered and provided by Respondent to patients at his office and/or offices do not fall within the intendment of the practice of psychology.

11. The description in the brochure of the service known as Depossession states, in pertinent part:

"Earthbound entities, dark ones or other negative influences can unknowingly influence our lives or the lives of our loved ones. Depossession work is a method in which the psychotherapist communicates with these entities and releases them into the loving white life of the After life.

12. Remote depossession in the brochure is described, in pertinent part, as:

"Depossession work can occur without clients actually being physically present or without their conscious awareness...In this process the client's higher self allows communication to the psychotherapist through an assistant in the office...The results of remote depossession are just as effective and remarkable as office sessions.

13. The service known as spiritual healing in the brochure is described, in pertinent part, as:

"Dr.[] scans the body while in a heightened state of consciousness. The creator, angels, guides, and spiritual helpers are then called upon to facilitate the healing".

14. Past-life regression in the brochure is described, in pertinent part, as:

"Relationship problems, self-destructive behaviors or negative influences from unresolved past life experiences could be causing troubles today...

Dr. [] leads clients through past life regression to resolve these important issues".

15. Respondent charges clients for the service known as past-life regression.

16. In the same brochure that Respondent offers the services for depossession, remote depossession, spiritual healing, and past life regression, Respondent states that he is a licensed psychologist.

JOINT PROPOSED CONCLUSIONS OF LAW

17. The practice of psychology is defined in Section 337.015.3., RSMo Supp. 1999, which states, in pertinent part:

The "practice of psychology" within the meaning of this chapter is defined as the observation, description, evaluation, interpretation, treatment, and modification of human behavior by the application of psychological principals, methods and procedures, for the purpose of preventing, treating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychometric or psychological testing and the evaluation or

assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability in both inpatient and outpatient settings, alcoholism and substance abuse, disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability; psycho educational evaluation, therapy remediation, and consultation; and teaching and training of psychological competence. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

18. Depossession, remote depossession, spiritual healing and past life regression do not fall within the intendment of the practice of psychology as defined in Section 337.015.3, RSMo Supp. 1999.

19. State regulation 4 CSR 235-5.030(8)(F) states, in pertinent part:

"The psychologist shall not include false or misleading information in public statements concerning psychological services offered. Public statements include, but are not limited to, communication by means of periodical, book, list, ... They do not contain:

1.misleading, deceptive or unfair statement;
5. A statement implying unusual, unique, or one-of-a kind abilities.

20. Respondent has violated state regulation 4 CSR 235-5.030(8).

21. The brochure is deceptive and/or misleading in that it purports to offer services that do not fall within the intendment of the practice of psychology under the

appearance or guise that these services are effective alternative services that fall within the practice of psychology.

22. The brochure is deceptive and/or misleading in that it states that the results obtained from a remote depositions session, a service that does not require face to face contact with clients, is as effective as an office session that involves face to face interaction with the client.

23. Respondent violates his patients professional trust and confidence in that patients trust Respondent, and Respondent fails to provide and/or recommend treatment that is commensurate with his training and education as a licensed psychologist.

24. Cause for discipline exists under 337.035.2, RSMo Supp. 1999, which states, in pertinent part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(4) Obtaining or attempting to obtain any fee, charge, or other compensation by ... misrepresentation;

(5) ...[m]isconduct...misrepresentation ... in the performance of the functions or duties of any profession licensed or regulated by this chapter;

- (6) Violation of, or assisting any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- (13) Violation of any professional trust or confidence;
- (14) Use of any advertisement or solicitation which is... misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
- (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Committee in this matter under the authority of Section 621.110, RSMo 1994. This disciplinary order will be effective immediately upon the issuance of the Consent Order of the Administrative Hearing Commission without further action by either party:

25. Respondent's license number PY 01389 is hereby placed on PROBATION for a period of one (1) year ("probation period"). The disciplinary period will begin on the effective date of this stipulation. During the disciplinary period, Respondent shall abide by the following terms and conditions:

- A. During the probation period, Respondent's practice as a professional psychologist shall be supervised two times per month by a psychologist approved by the State Committee of Psychologists. If Respondent has failed to secure a supervisor within twenty (20) business days from the start of probation

the Respondent shall cease practicing psychology until a supervisor is secured. Respondent shall be responsible for any payment associated with the supervision. Supervision includes, but is not limited to, on site face-to-face review of cases, and review, (approval, and co-signing) of written reports such as case notes, intake assessments, test reports, treatment plans, and progress reports.

B. In the event the supervising psychologist becomes unable or decides not to continue serving in his/her capacity as a supervising psychologist or otherwise ceases to serve as a supervising psychologist during the period of probation, then, the Respondent shall:

- a) within three (3) business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, advise the State Committee of Psychologists in writing that he/she is needing to secure a supervising psychologist and the reason for such change; and
- b) within twenty (20) business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, secure a supervising psychologist pursuant to and in accordance with the terms and

conditions set forth in this agreement. After twenty (20) business days, the Respondent shall not practice if he or she has not secured a monitoring psychologist.

- C. During the probation period, the supervising psychologist shall be vested with administrative authority over all matters affecting the provision of psychological health services provided by Respondent so that the ultimate responsibility for the welfare of every client is maintained by the supervising psychologist.
- D. Respondent's supervising psychologist must report every three (3) months on Respondent's compliance with this Agreement. It is Respondent's responsibility to ensure that these reports are provided in a timely manner.
- E. During the probation period, Respondent may not advertise or represent himself as a licensed psychologist when providing services for past life regression, depossession, remote depossession, and/or spiritual healing.
- F. During the probation period, Respondent may not serve as a supervisor for any psychological trainee, psychological intern, psychological resident, psychological assistant, or any person undergoing supervision during the course of obtaining licensure as a psychologist, professional counselor, marriage and family therapy or social worker.

G. Respondent must keep the State Committee of Psychologists apprised at all times, in writing, of Respondent's current home and work addresses and telephone numbers.

H. Respondent is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Respondent's psychology license in Missouri.

I. Respondent is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated by the State Committee of Psychologists and state and federal criminal laws.

J. Respondent must provide periodic reports of Respondent's compliance with this agreement every 3 months. Periodic reports are due on January 1, April 1, July 1 and October 1 of each year. It is Respondent's responsibility to ensure that these reports are received by the Committee on a timely basis.

K. At Respondent's expense, Respondent must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.

26. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and the State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and to the termination of any further proceedings before the Administrative Hearing

Commission based upon the Complaint filed by the Petitioner in the above-styled action.

27. Respondent hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this joint stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this joint stipulation in that it survives in perpetuity even in the event that any court of law deems this joint stipulation or any portion thereof void or unenforceable.

28. Upon the expiration of the disciplinary period, the Respondent's license as a psychologist in Missouri shall be fully restored, provided all provisions of this Joint-Stipulation and all other requirements of law have been satisfied.

29. If the State Committee of Psychologists determines that the Respondent has violated a term or condition of his discipline, or has otherwise failed to comply with the provision of Chapter 337 RSMo, which violation would be actionable in a proceeding before the State Committee of Psychologists or the Administrative Hearing Commission or a Circuit Court, the State Committee of Psychologists may elect to

pursue any lawful remedies or procedures afforded to it, and is not bound by this order in the selection of remedies concerning such violation.

30. The parties to this Joint Stipulation understand that the State Committee of Psychologists will maintain this Joint Stipulation as an open and public record of the Committee as provided in Chapters 337, 610, and 620, RSMo.

RESPONDENT

Bill Dean Graham Ph.D.

William Dean Graham
Respondent

5-1-01

Date

PETITIONER

Pamela Groose 5.17.01

Pamela Groose
Executive Director

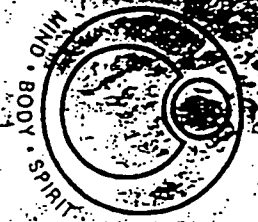
Date

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Attorneys for Petitioner



Mind, Body, Spirit Healing

Dark ones, earth bound entities or other negative influences could unknowingly be affecting your life or the lives of loved ones.

For more information,

**Depossession,
Remote Depossession,
Past Life Regression,
Body Energy Healing,
Traditional
Psychotherapy**



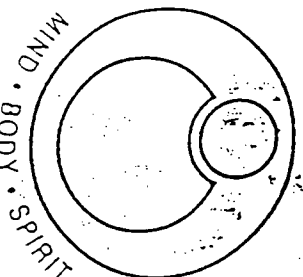
For more than two decades, Dr. has helped people learn to take charge of their own mental and physical health and wellness. With an emphasis on the interaction of mind, body and spirit he can help you, too, create your life as you most want it!

Dr. is a licensed psychologist and certified hypnotherapist in private practice. His professional training includes studies at the Menninger Institute and at the University of Missouri in Kansas City. He has hosted his own radio talk show and has appeared on numerous television programs. His professional speaking engagements include the Kansas City Bar Association, schools, civic groups, hospitals, state agencies and various conventions. In addition, he has served as consultant for numerous agencies and schools.

Call today for an appointment.



Mind, Body, Spirit Healing

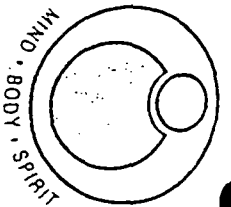


Depossession Work

Earthbound entities, dark ones or other negative influences can knowingly influence our lives or the lives of our loved ones. Depossession work is a method in which the psychotherapist communicates with these entities and releases them into the loving white light of the Afterlife. Jesus Christ, the Archangel Michael, spiritual guides and others are often called upon to assist in depossession. All souls are important and those who fall to go to The Light miss the opportunity to review past experiences, to learn from them and to prepare for a new beginning by rebirth into an infant body.

Remote Depossession

Depossession work can occur without clients actually being, physically present or without their conscious awareness. It is performed only with the greatest care and the highest intention for the client. In this process the client's higher self allows communication to the psychotherapist through an assistant in the office. The depossession work can then proceed as if the client were present. The results of remote depossession are just as effective and remarkable as office sessions. Remote depossession can release entities who have attached to people or who have become stuck in houses or buildings.



Spiritual Healing

Spiritual healing can take many forms. Dr. [Name] helps clients assess what form of healing is most appropriate according to their own personal needs. Often the healing can take the form of body energy work, or therapeutic touch healing. During this process, Dr. [Name] scans the body while in a heightened state of consciousness. The Creator, angels, guides, and spiritual helpers are then called upon to facilitate the healing. Both physical and emotional conditions can be resolved through this amazing but natural spiritual process.

Spiritual intervention can also expedite the forgiveness process. Once forgiveness occurs, client and therapist can then work together to regain peace, serenity and optimal health and wellness.

Dr. [Name] also teaches various forms of meditation, visualization and self-hypnosis techniques. These practices, when used on a regular basis, help clients gain and maintain peace, health and greater joy.

Past-Life Regressions

Relationship problems, self-destructive behaviors or negative influences from unresolved past life experiences could be causing troubles today. Fear and phobias also often represent a pattern or a recurring issue to be examined. Dr. [Name] leads clients through past life regression to resolve these important issues.

Note: Past-life regression should only be performed by a trained psychotherapist so the client can safely and effectively deal with the trauma or other dramatic issues that might arise.

Hypnotic Therapy

As a trained and experienced hypnotic therapist, Dr. [Name] helps clients with a variety of problem areas including stress reduction, smoking, weight control, migraine headaches, tension headaches, concentration, memory, motivation, pain management, nail biting, public speaking, sexual dysfunction, sports performance, study habits, stuttering, test taking anxiety, allergies, self-exploration, personal enlightenment and much more!